

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

February 27, 2008

6:30 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

February 27, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 14452 Chestnut Street; Agency Negotiator: Executive Director Ray Silver, Chet Simmons, Economic Development Specialist and Marwan Youssef, Director of Public Works/City Engineer; Negotiating Party: Thao Lee; Under Negotiation: Price and Terms of Payment; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a): Existing Litigation: Daniel & Cynthia Imlay vs. City of Westminster; Case No. O7CC02259.

RECESS:

AGENDA

February 27, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

SALUTE TO FLAG: Council Member Marsh

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. M.A.D.D. Representatives, Gail and Jon Martinez, will present Deuce Awards (25 and over DUI arrests) and Century Awards (100 and over DUI arrests) to Westminster Police Officers Officer William Drinnin (25 arrests), Officer Matthew Edinger (25 arrests), Officer James Nguyen (25 arrests), Officer Nicholas Tran (37 arrests), Motor Officer Paul Walker (33 arrests) and Officer Jose Flores (115 arrests).
- B. Recognition of Sunset Ford for the donation of cars for the TET Parade and drivers, Leo Lopez, Carlos Guzman, Carlos Guzman Jr., Mike Mathis, and Charles Christianson.
- C. Recognition of the City's 50th Anniversary Committee Members: B. J. Savage, Ahn Do, Gloria Reyes, Crystal Wadsworth, Reverend John Furman and Charles V. Smith.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

February 27, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 6, 2008. (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 2009 Federal Legislative Priorities (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the 2009 Federal Legislative Priorities: 1) Little Saigon: Asian Criminal Enterprise Initiative (Year 2 Funding Request); 2) Rose Center Technology Equipment and Civic Center Electronic Marquis; and 3) Westminster Stormwater Improvements

- 1.3 Increase Purchase Order with A.J. Fistes Corporation for Additional Painting of City Buildings (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase of \$20,000.00 to Purchase Order No. 4781 with A.J. Fistes Corp.

- 1.4 Increase Purchase Order with Koltemp Refrigeration Co., Inc. for Heating, Ventilation, and Air Conditioning (HVAC) Repair of City Buildings (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase of \$10,000.00 to Purchase Order No. 4280 to Koltemp Refrigeration Co., Inc. for HVAC repairs for the remainder of fiscal year 2007-08.

AGENDA

February 27, 2008

1. CONSENT CALENDAR (Continued)

1.5 Cooperative Agreement between the City of Westminster and the City of Fountain Valley for AHRP 2006-2007 paving project on Magnolia Street from Edinger Avenue to the I-405 Freeway (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject Cooperative Agreement with the City of Fountain Valley and authorize the City Manager to execute the agreement on behalf of the City.

1.6 (Agency) Consulting Services Agreement for Affordable Housing Implementation with Rosenow-Spevacek Group, Inc. (RSG) (Don Anderson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Agreement for Affordable Housing Implementation with Rosenow Spevacek Group, Inc. in the amount of \$25,000.00, and authorize the Executive Director to execute the agreement on behalf of the Agency.

ADMINISTRATIVE ITEMS

1.7 Special Event Permit application from O'Entertainment to hold a carnival beginning March 11, 2008 through March 18, 2008 (includes set up and clean up days). The carnival will be open to the public March 14, 2008 through March 16, 2008. The event will take place at the Westminster Mall parking behind JC Penney's. Applicant estimates the attendance will be 10,000 people throughout the event (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

1.8 (City Council/Redevelopment Agency) Warrant Register dated February 6 through 19, 2008 (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.9 Minutes of the Cultural Arts meeting held on November 1, 2007 (Greg Johnson)

RECOMMENDATION: Receive and file.

AGENDA

February 27, 2008

1. CONSENT CALENDAR (Continued)

1.10 Minutes of the Planning Commission meeting held January 23, 2008 (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

AGENDA

February 27, 2008

4. PUBLIC HEARINGS (Continued)

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

4.1 REVIEW OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-50 (VARIANCE), A VARIANCE REQUEST TO ALLOW 67 PARKING SPACES WHERE 69 PARKING SPACES ARE REQUIRED AS A RESULT OF VY DA RESTAURANT'S UNAUTHORIZED EXPANSION WITHIN THE MILLENNIUM PLAZA LOCATED AT 9950 BOLSA AVENUE (ASSESSOR'S PARCEL NUMBERS: 143-041-30); APPLICANT: CALVIN LE; PROPERTY OWNER: SUPERIOR ONE, INC. (Art Bashmakian)

Staff Report
Mayor and City Council Discussion
Open Public Hearing

Applicant
Others Speaking in Favor
Speaking in Opposition
Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing
Mayor and Council Member Comments
Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4142 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's denial of a request to provide 67 parking spaces where 69 parking spaces are required for the Millennium Plaza retail center with the expanded restaurant (Vy Da), located at 9950 Bolsa Avenue (Assessor's Parcel Numbers: 143-041-30) (Case No. 2007-50)."

AGENDA

February 27, 2008

4. PUBLIC HEARINGS (Continued)

4.2 ORDINANCE NO. 2428 –EXTENDING URGENCY ORDINANCE 2427 WHICH ESTABLISHED INTERIM DEVELOPMENT STANDARDS AND PROCEDURES FOR LARGE FAMILY DAY CARE (7-14 CHILDREN) FACILITIES IN THE SINGLE FAMILY RESIDENCE DISTRICT (CASE NO. 2008-01) (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2428 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster to extend Ordinance No. 2427 (Urgency) which established interim development standards and procedures for large family day care (7 - 14 children) facilities in the single family residential district for a period of ten (10) months and fifteen (15) days”, and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Consideration of a Request from Yen Tan Pham, Project Manager to waive the required park in-lieu fee of \$142,681.65 for the previously approved 12 unit townhouse project (Case No. 2003-21) located at 7861 23rd Street. (Deferred from the February 13, 2008 meeting) (Mayor Pro Tem Quach)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject the requested fee waiver, consider deferral of the fee, collect the prorated fee as each unit is sold and place a lien on all of the parcels.

AGENDA

February 27, 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Appropriation of Funds and Increase to Purchase Order for Building Division Plan Check and Inspection Services for Fiscal Year 2007-08 (Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor and the City Council:

- 1) Authorize an appropriation of \$30,000 from the Undesignated Unreserved Community Development Fund Balance to Building – Contractual Other; and
- 2) Authorize an increase to the purchase order with Melad & Associates in the amount of \$42,000.

6.2 (City/Agency) Adoption of Resolutions terminating the Interest Rate Swap Agreement between the City of Westminster and Ambac Financial Services L.P. and the Westminster Redevelopment Agency and Ambac Financial Services L.P. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 4143 entitled, “A Resolution of the Mayor and City Council of the City of Westminster approving the termination of two interest rate swap agreements relating to the City’s Variable Rate Demand Certificates of Participation, Series 1998A (1998 Civic Center Refunding Program” and Variable Rate Demand Certificates of Participation 1998B (1998 Water System Refunding Program) and authorizing the City Manager to establish the final terms of such termination”.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve an appropriation of \$530,350.00 to the Redevelopment Agency Debt Service; and
- 2) Adopt Resolution No. 189 entitled, “A Resolution of the Westminster Redevelopment Agency approving the termination of an interest rate swap agreement relating to the Westminster Commercial Redevelopment Project No. 1 1997 Tax Allocation Refunding Bonds (Variable Rate Demand) and authorizing the Executive Director to establish the final terms of such termination”.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS – None.

AGENDA

February 27, 2008

9. COMMISSION AND COMMITTEE ITEMS

9.1 Resignation of Betty Poole from the Commission on Aging (Council Member Marsh Appointee) (Marian Contreras)

RECOMMENDATION: Staff recommends that the City Council accept the resignation of Betty Poole from the Commission on Aging, with regrets.

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary